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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/092,953 | 03/06/2002 | Andrew Weiss | 10443/1 | 7358 |

29858 7590 09/12/2006

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EXAMINER

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ART UNIT PAPER NUMBER

3693

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 – 11 claim a currency conversion transaction between two parties, such as a customer and a merchant. Claims 1 – 11 claims “locally processed currency” (see Claim 1, line 5) which is processed through a “local processor” (see Claim 1, line 7) after “authorizations” are received from “authorization modules” (see Claim 1, line 10).

Claims 1 – 11 fail to define “local” and, as such, are vague and/or indistinct. Is “local” being defined from the perspective of the customer, the merchant or that of a third party? What are the metes and bounds of “local”? If the “local” currency is American dollars, does that mean that the “local processor” must be somewhere in the “local” region from which the currency originates, such as anywhere within the United States? Or does “local processor” merely indicate a processor that handles “locally processed currency,” in that the processor is being labeled by virtue of its function and not its geographic location?

Claims 1 – 11 fail to define “authorization” and, as such, are vague and/or indistinct. Does authorization mean that the customer and/or merchant authorizes the transaction to proceed? Or does authorization just mean that the system authorizes the

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transaction to proceed, such as when a system acknowledges that all needed input has been entered into the system and, therefore, the proposed transaction may proceed as a valid transaction?

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art (specification, pp. 1 – 4) in view of De Rooij (US Patent 6,016,955).

Regarding Claim 1, Disclosed Prior Art discloses a method for processing a non-cash transaction (card transaction) at a point-of-sale (existing point-of-sale systems), the method comprising (see p. 1, lines 16 - 17):

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- receiving a request to process the transaction in a first currency (cardholder's currency). (see p. 1, lines 17 - 20);
- determining whether the first currency (cardholder's currency) constitutes a locally processed currency (locally processed currency). (see p. 1, line 17 - p. 2, line 10);
- if the first currency (cardholder's currency) constitutes a locally processed (locally processed currency) currency processing the transaction through a local processor (card issuer capable of processing locally processed currency). (see p. 1, line 17 - p. 2, line 10);
- if the first currency (cardholder's currency) does not constitute a locally processed currency (locally processed currency), processing the transaction through a multi-currency processor (card issuer conducting exchange services) for transacting in one or more currencies (cardholder's currency) other than locally processed currencies (locally processed currency). (see p. 1, line 17 - p. 2, line 10).

Disclosed Prior Art does not teach underlined claim limitations – a method comprising:

- if the first currency constitutes a locally processed currency processing the transaction through a local processor; and
- if the first currency does not constitute a locally processed currency, processing the transaction through a multi-currency processor in communication with one or more authorization modules from which

authorizations are received for transacting in one or more currencies other than locally processed currencies.

Disclosed Prior Art does not teach that the all method steps are automated. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, such as disclosed by De Rooij (see abstract), since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Obtaining authorization before conducting a transaction, such as a financial transaction, either from parties to the transaction or from internal pre-programmed system components, is old and well known in the art of financial transaction and information technology. It would have been obvious to one of ordinary skill in the art to have modified Disclosed Prior Art and De Rooij, by incorporating authorization modules into the system, allowing for validation of the transaction before processing of said proposed transaction.

Regarding Claims 2 – 3, Disclosed Prior Art does not explicitly teach underlined claim limitations – a method wherein:

- receiving a request comprises receiving a request from a customer; and
- receiving a request comprises receiving a request from a merchant.

However, Disclosed Prior Art does disclose customers (cardholder) and/or merchants utilizing existing point-of-sale systems to conduct such transactions and the issuance of requests for such transactions (see pp. 1 – 4). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and De Rooij to allow for any party to the transaction to issue the request that the inventor desired, such as the customer, the merchant or a third party. *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Regarding Claims 4 – 6, Disclosed Prior Art does not teach underlined claim limitations – a method:

- wherein determining whether the first currency constitutes a locally processed currency comprises comparing the first currency to one or more stored currencies which may be locally processed;
- comprising, if the first currency is not a locally processed currency, retrieving stored exchange-rate information and determining a value of the transaction in a locally processed currency; and
- comprising displaying the transaction value in the locally processed currency in a point-of-sale device.

However, it would have been obvious based upon the teachings of Disclosed Prior Art that determining whether the first currency (cardholder's currency) constitutes a locally processed currency (locally processed currency) comprises comparing the first currency (cardholder's currency) to the currencies which may be locally processed (locally processed currencies), for without this comparison between currencies how would the users of existing systems involving currency conversions, as disclosed by Disclosed Prior Art, recognize that a currency conversion was needed for completion of a purchase and/or financial transaction.

De Rooij discloses a method:

- wherein comparing the first currency (calculation unit) to one or more stored currencies (conversion factors) which may be locally processed. (see col. 3, line 57 – col. 4, line 12);
- comprising, retrieving stored exchange-rate information (table stored in payment means) and determining a (post conversion) value of the transaction in a locally processed currency. (see col. 3, line 56 – col. 4, line 12); and
- comprising displaying the (post conversion) transaction value in the locally processed currency in a point-of-sale device (payment station). (see col. 4, lines 23 – 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and De Rooij by incorporating stored currencies, determining the value of the transaction based upon said stored currencies and displaying said value, allowing for automation of the disclosed method through the employment of memory, a processor and a display.

Regarding Claims 7 – 11, Claims 7 - 11 recite similar limitations and/or would have been obvious based upon Claims 1 - 6 rejected above, and are therefore rejected using the same art and rationale as applied in the rejection of Claims 1 - 6.

As for additional and/or differing claim limitations, Claim 8 claims issuing a voucher for a value of a transaction, receiving that voucher for value, authorizing said voucher and sending payment in response to said voucher. Such methodology is old

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and well known in the art of financial transactions, specifically concerning non-cash transactions, as previously discussed by Disclosed Prior Art. The issuance of a voucher (payment request) for the value of a transaction, receipt of a voucher by a card issuer, that card issuer authorizing said voucher (payment request) and sending payment in response are merely standard and/or conventional steps in traditional credit card/non-cash financial transactions.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PRIMARY EXAMINER